IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF PENNSYLVANIA

IAN COUNTS, DANIEL DECKER, CHRISTINE ANDERSON,) Case No. 2:12-cv-109
Plaintiffs, v. CHARLES E. MOHN, COMPUTERIZED MUDLOGGING SERVICE, INC., Defendants.) Chief Judge Gary L. Lancaster/) Magistrate Judge Cynthia Reed Eddy))))))

ORDER

The record in this case reflects that a Complaint was filed in this Court [ECF No. 1], and Defendants filed a Motion to Dismiss Defendant Charles Mohn ("Mohn") for Failure to State a Claim [ECF No. 7]. The record further reflects that the Magistrate Judge found, as explained in her Report and Recommendation [ECF No. 12], that defendant Mohn cannot be liable for any of the violations alleged because he is shielded from liability by state law, 15 Pa. Cons. Stat. Ann. § 8922(a), that the Complaint did not meet the Fed. R. Civ. P. 12(b)(6) pleading standard with respect to Mohn, and recommended that the Complaint against him be dismissed without prejudice to the Plaintiffs' right to amend. Objections to the Magistrate Judge's Report and Recommendation were due on June 13, 2012, and none were filed.

Therefore, this day of June, 2012, upon independent review of the record, IT IS HEREBY ORDERED that the Magistrate Judge's Report and Recommendation is adopted as the Opinion of the Court and Defendants' Motion to Dismiss, with respect to Mohn, is granted, without prejudice.

IT IS FURTHER ORDERED that should Plaintiffs elect to amend their Complaint with respect to defendant Mohn, they must do so no later than fourteen days from the date of this Order.

Gary L. Lancaster

Chief United States District Judge

cc: All Counsel of Record via CM-ECF